



01 December 2022

DECISION OF THE IPC LEGAL AND ETHICS COMMITTEE

Complaint concerning alleged breaches of the IPC Code of Ethics

International Paralympic Committee

Complainant

And

Mr. Manoël Bourdenx

Respondent

IPC Legal and Ethics Committee Hearing Panel:

Mark Copeland, LEC Chair

Annamarie Phelps, LEC Member

Jeongmin Lee, Paralympian and Ethics Panel Member

Assistants:

Louis Muncey, Clerk

Alexandra Basford, Clerk

Leen Coudenys, LEC Executive Assistant

Complainant:

International Paralympic Committee, represented by Elizabeth Riley, General Counsel

Respondent:

Mr Manoël Bourdenx

National Paralympic Committee:

Comité Paralympique et Sportif Français (**CPSF**)



1. Introduction

- 1.1. This is the reasoned decision of the IPC Legal and Ethics Committee Hearing Panel ("**Hearing Panel**") in relation to a complaint brought by the Complainant against the Respondent ("**Complaint**") in respect of alleged breaches of the IPC Code of Ethics ("**Code**") and the Supplementary Regulations (Paralympic Winter Games Beijing 2022 Demonstrations) ("**Demonstration Regulations**").
- 1.2. The Complainant is the International Paralympic Committee. The Respondent is Mr. Manoël Bourdenx, a French athlete who competed at the Beijing Winter Paralympic Games 2022 in the Men's Slalom Standing event.

2. Jurisdiction and Proceedings

- 2.1. The Demonstration Regulations were approved by the IPC Governing Board on 9 December 2021 and adopted as the Supplementary Regulations referred to in Article 2.2.2 of the Paralympic Games Principles, located at section 1, chapter 3 of the IPC Handbook.
- 2.2. The Demonstration Regulations apply during the "Games Period" meaning the period which commenced on 22 February 2022 (which is ten days before the opening ceremony of the Paralympic Winter Games Beijing 2022) and ending on midnight of 13 March 2022 (the day of the closing ceremony of the Paralympic Winter Games Beijing 2022) (see Article 1.3 of the Demonstration Regulations).
- 2.3. Pursuant to Article 1.4 of the Demonstration Regulations, each "Participant", meaning a "*person participating in the Paralympic Games in any capacity, including (without limitation) each athlete...*" (as defined in Clause 2.1 of the Paralympic Games Principles), is bound by and required to comply with the Demonstration Regulations as a condition of participation with the Paralympic Games.
- 2.4. The Respondent competed at the Paralympic Games, within the "Games Period", as an athlete, and therefore is a "Participant" for the purposes of the Demonstration Regulations and is accordingly bound by and required to comply with the Demonstration Regulations.
- 2.5. The Respondent is also subject to the Code which states in the "Scope" section that it shall apply to the Paralympic Games and to any member of the Paralympic Family, which includes athletes.
- 2.6. Clause 1.1 of Appendix A of the Code, the 'IPC Regulations Governing the Procedures for Dealing with Complaints Regarding Alleged Breaches of the IPC Code of Ethics' (the '**Ethics Regulations**') grants exclusive authority to deal with complaints brought under the Ethics Regulations to the IPC Legal and Ethics Committee (the "**Committee**").



- 2.7. Clause 1.2 of the Ethics Regulations permits any person or body that falls within the scope of the Code to bring a complaint to the Committee that some other person or body (also falling within the Code) has breached the Code. Article 3.1 of the Demonstration Regulations requires that any complaint be heard and determined by the Committee and governed by the Ethics Regulations.
- 2.8. Clause 8.1 of the Ethics Regulations details that the Chairperson of the Committee shall form a hearing panel of three people to hear the Complaint (the "**Hearing Panel**"). Article 3.1(c) of the Demonstration Regulations requires the Hearing Panel to include at least one Paralympian who has competed in at least one of the previous three editions of the summer or winter Paralympic Games at the time of appointment (such Paralympian may be a member of the Committee or co-opted ad hoc to sit on the Hearing Panel). The appointment of Jeongmin Lee satisfies this requirement.
- 2.9. The Hearing Panel was therefore formed in accordance with Article 3.1(c) of the Demonstration Regulations and Clause 8.1 of the Ethics Regulations, and has jurisdiction to hear the Complaint.
- 2.10. Both the Complainant and the Respondent consented to the Hearing Panel to determine the Complaint on the papers, without an oral hearing. In accordance with Clause 7.5 of the Ethics Regulations, the Committee decided it appropriate to deal with the Complaint on the papers.

3. Background to the Complaint

- 3.1. The Respondent is an athlete from France who competed in the Beijing 2022 Winter Paralympic Games in Beijing.
- 3.2. On 13 March 2022, the Respondent competed in the Men's Slalom Standing Event, in which he ranked 20th.
- 3.3. The Respondent completed run two, his final run of the day, in his underpants, with a white banner with a dark green and blue tartan print lining which was wrapped over his shoulder and pinned at his waist. After completing the run, but whilst still within the finish area, and so on the Field of Play he took off the white banner and laid it on the ground, so the words "ALL HUMANS CAN DREAM OF BECOMING OLYMPIANS ARE WE WORTH LESS" became visible (the "**Demonstration**"). The Field of Play includes the following areas, which are relevant to this case:

- 3.3.1. Any areas where competitions take place, including (depending on the sport) the pitch, field, court, arena, track, course, or body of water, and any start/finish areas;

4. Alleged Breach of IPC Code of Ethics

- 4.1. The Complainant asserts that the Respondent breached Article 2.2 of the Demonstration Regulations which states:



"2.2 During the Games Period, Participants may not demonstrate, protest and/or make political statements at any Paralympic venue or other area related to the Paralympic Games (including, without limitation, during Official Ceremonies, on the Field of Play, and/or in the Paralympic Village), save as set out in Article 2.3".

4.2. Article 2.3 states:

"As the sole exception to Article 2.2, during the Games Period, Participants may demonstrate, protest, and/or make political statements as follows, provided always that no Impermissible Elements are involved:

(a) In the mixed zones, the International Broadcasting Centre and the Main Media Centre, including when speaking to the media; and/or

(b) during press conferences and media interviews; and/or

(c) during team meetings; and/or

(d) using traditional media and/or digital media and/or social media channels. Such channels may be used at the above times and places and at any other time and place (except only that the Participant may not use these channels to demonstrate, protest, or make any political statement when on the Field of Play or when participating in any Official Ceremonies)."

4.3. Article 1.12 of the Code states:

"Members of the Paralympic Family shall abide by and respect the IPC Code of Ethics at all times and, in particular, adhere to the following ethical standards:

[...]

1.12 Respect the principal of neutrality in sport, including by (without limitation) complying with Article 2.2.2 of the Paralympic Games Principles and any related supplementary regulations issued by the IPC." [i.e. including the Demonstration Regulations].

4.4. The Complainant submitted that the Respondent breached Article 2.2.2 of the Paralympic Games Principles and Article 2.2 of the Demonstration Regulations, and thereby breached Article 1.12 of the Code.

5. Burden and Standard of Proof

5.1. As set out in Clause 4.1 of the Ethics Regulations, the Complainant must prove its case on the balance of probabilities.

6. Written Submissions

6.1. On 29 March 2022, the Complainant sent a letter to CPSF (the Respondent's National Paralympic Committee) notifying them of the investigation into the Complaint and requesting



that they:

- 6.1.1. Notify the Respondent and ask that Mr Bourdenx provide an explanation of the Demonstration;
 - 6.1.2. Provide the Complainant with any further relevant information that the CPSF have about the Demonstration, including:
 - 6.1.2.1. any photographs or audio-visual footage of the incident;
 - 6.1.2.2. whether the Respondent's banner was visible during the event (and if so, until what point); and
 - 6.1.2.3. whether any other members of the CPSF delegation were involved in any way in the incident or had any knowledge of the incident
 - 6.1.3. Confirm whether the Respondent participated in any way in the consultation carried out by the Complainant's Athletes' Council on the topic of demonstrations and protests, including the athlete survey and athlete calls.
- 6.2. On 11 May 2022, the CPSF responded to the Complainant's letter of the 29 March 2022 explaining that:
- 6.2.1. The CPSF previously had photographs and/or audio-visual footage of the incident, but no longer had the photographs and/or audio-visual footage because the CPSF destroyed all records;
 - 6.2.2. The CPSF did not believe the Respondent's banner was visible during the event;
 - 6.2.3. After consultation with the federation, it seems that no other members of CPSF were involved in any way in the incident or had any knowledge of the incident; and
 - 6.2.4. The CPSF is unaware of the participation or not of the Respondent in consultation carried out by the Complainant's Athletes' Council.
- 6.3. On 2 and 14 July 2022, the Complainant followed up with the CPSF to inquire whether the Respondent had provided a response regarding the Demonstration and stated that if there was no reply, the Complainant would move forward accordingly.
- 6.4. The Complainant subsequently provided written submissions in a Statement of Case on 19 September 2022 to the Hearing Panel in relation to the Complaint. The Complainant detailed the applicability of the Demonstration Regulations and the Code to the Respondent, specifically noting that:



- 6.4.1. As a Participant of the Paralympic Games, the Respondent is subject to the Demonstration Regulations.
- 6.4.2. Pursuant to Clauses 1.1 and 1.2 of Appendix A of the Code and Article 3.1 of the Demonstration Regulations, the Committee has jurisdiction and exclusive authority to deal with the Complaint.
- 6.4.3. The Complainant submitted that the Respondent had breached the Demonstration Regulations, particularly Article 2.2, since:
- 6.4.3.1. The Respondent is a Participant in the Games;
 - 6.4.3.2. The Respondent's conduct occurred on 13 March 2022, within the "Games Period"; and
 - 6.4.3.3. The Respondent's conduct occurred on the Field of Play;
 - 6.4.3.4. The Respondent's conduct constituted a demonstration in that the message on his banner was widely interpreted to be for the purpose of protesting the inequality between Olympic and Paralympic athletes.
- 6.4.4. In the Statement of Case, when considering the breach, the Complainant stated that:
- 6.4.4.1. *"Whilst it was not clear what exactly the Respondent's Demonstration was about, the [Complainant's] rules are (intentionally) not concerned with the substance of the prohibited demonstration, but with the location/timing of such demonstration. The [Complainant's] rules are intended to strike a balance between protecting the athlete experience; advancing the vision and mission of the [Complainant] and the Paralympic Movement; reflecting the global nature of the Paralympic Movement; and allowing participants to demonstrate or protest on matters that are important to them."*
 - 6.4.4.2. *"The [Complainant's] rules have been applied by the [Complainant] on numerous occasions during previous Paralympic Games, including during Tokyo 2020, in relation to a wide number of demonstrations. The [Complainant] also works with members proactively, to identify ways in which demonstrations can be carried out in compliance with the rules. This was also the case during Tokyo 2020, where a number of demonstrations took place in full compliance with the [relevant demonstration regulations in place at the time]"*.
 - 6.4.4.3. *"The Demonstration Regulations were drafted following a lengthy, global athlete consultation process, led by the [Complainant's] Athletes'*



Council. The consultation process provided athletes with numerous opportunities to express their views, including through focus groups, calls and a survey. The outcomes were then published in a final report in 2021." The Complainant expressed disappointment that the Respondent chose not to participate in the consultation process and proceeded to breach the rules put in place following that process.

6.5. In response to the Complainant's Statement of Case, the Respondent sent an email to the Committee by way of written submission in which the Respondent:

6.5.1. Impliedly accepted that his conduct was a Demonstration, describing it as a *'troublesome situation I created for the Paralympic community'*.

6.5.2. Expressed his sincere apologies and that his intention was to have fun in the final race of his career *"where I expressed my hope that one day every handicapped person will be able to dream to be an Olympian"*;

6.5.3. Submitted that he was not aware his behaviour would have such consequences and it was not his desire to create a *"damaging situation"* for himself or others involved.

6.5.4. Confirmed he agreed to have the Hearing Panel decide the case on the basis of written submissions, without the need for a hearing, and that he was *"ready to accept whatever the sanctions are"*.

6.6. The Complainant noted in their Statement of Case that, while indicating sanctions were a matter for the Hearing Panel, a sanction of a public written warning, under Article 4.1(b) of the Demonstration Regulations, would be proportionate.

7. Decisions and Reasons

The Hearing Panel finds that the Complaint has been proven on the balance of probabilities.

7.1. The Hearing Panel is satisfied that the Respondent's conduct constitutes a breach of Article 2.1 of the Demonstration Regulations as:

7.1.1. Pursuant to Article 7 of the Demonstration Regulations an "Impermissible Element" is defined as *"any element of any demonstration, protest, or political statement, or any comment, gesture or similar conduct that:*

- a) Is contrary to the Paralympic vision and mission of the IPC (as set out at Chapter 1.1 of the IPC Handbook) or the Paralympic ethos and ideals (as set out in the IPC Code of Ethics);*
- b) Disrupts Official Ceremonies or competitions during the Paralympic Games, or disrupts the preparation of other athletes or teams for Official Ceremonies or competitions*



7.1.2. The Respondent's conduct was contrary to the Paralympic vision and mission of the Complainant and the Paralympic ethos and ideals (as set out in the IPC Code of Ethics). Specifically, by removing all of his clothing except his underpants to compete in the Paralympic Games, the Respondent brought Paralympic Sport into disrepute.

7.1.3. The Respondent's conduct also disrupted competition during the Paralympic Games.

7.2. The Hearing Panel is also satisfied that the Respondent's conduct constitutes a breach of Article 2.2 of the Demonstration Regulations as:

7.2.1. Pursuant to Article 1.4 of the Demonstration Regulations, the Respondent is bound and required to comply with the Demonstration Regulations as a "Participant" in the Paralympic Games;

7.2.2. The Code applies to the Respondent as an athlete participating in the Paralympic Games and as a member of the Paralympic Family;

7.2.3. The Respondent's conduct, as detailed at paragraph 3.3 above, was a demonstration pursuant to Article 2.2 of the Demonstration Regulations which did not fall within any of the exemptions detailed in Article 2.3 of the Demonstration Regulations (set out at paragraph 4.2 above);

7.2.4. The Demonstration occurred on 13 March 2022 within the Games Period and on the Field of Play.

7.3. As a consequence of the above findings of breaches of the Demonstration Regulations, the Hearing Panel finds that the Respondent has accordingly breached Article 1.12 of the Code.

7.4. The Hearing Panel further finds that the Respondent has breached Article 1.1 of the Code, in that he has not safeguarded the dignity of the sport, and Article 1.8 of the Code in that his behaviour has tarnished the reputation of the Paralympic Movement.

8. Sanctions

8.1. As the Hearing Panel has found that a breach of the Code has occurred, the matter of sanctions arises.

8.2. The possible sanctions for breaches of the Demonstration Regulations are set out in Article 4.1 of the Demonstration Regulations.

8.3. Pursuant to Article 4.3 of the Demonstration Regulations, the Hearing Panel assess proportionality to determine the appropriate sanction. Specifically, the Hearing Panel



acknowledged that:

- 8.3.1. There was a degree of premeditation on behalf of the Respondent (Article 4.3(a) Demonstration Regulations)
 - 8.3.2. The Demonstration was undertaken at the Respondent's own instigation and not under the pressure of others (Article 4.3(c) Demonstration Regulations)
 - 8.3.3. The Demonstration caused some disruption on the Field of Play during competition (although the Hearing Panel recognises that it is difficult to measure the degree of disruption as there is no straightforward evidence of this except an article in the Daily Star¹) (Article 4.3(f) Demonstration Regulations)
 - 8.3.4. The Demonstration included, to an extent, Impermissible Elements as defined at 7.1.4 above (Article 4.3(g))
 - 8.3.5. The extent to which the Demonstration has brought the Complainant, the Paralympic Games, the Paralympic Movement or Paralympic Sport generally into disrepute (Article 4.3(h) Demonstration Regulations)
 - 8.3.6. This would constitute a first offence by the Respondent (Article 4.3(i) Demonstration Regulations);
 - 8.3.7. The Respondent expressed regret for breaching the Demonstration Regulations, and has apologised to the Complainant, although the Hearing Panel consider it was not sufficiently strong or public, or timely, to warrant a lesser sanction (Article 4.3(j) Demonstration Regulations);
- 8.4. In Accordance with Article 4.1 of the Demonstration Regulations, which states that the Hearing Panel may impose any one or more of the following sanctions for a Demonstration Violation, based on what it considered to be proportionate in all the circumstances of the case, considering all the circumstances, the Hearing Panel finds, having regard to all the relevant circumstances, that the appropriate sanctions, are:
- 8.4.1. The issuance of a public written warning in accordance with Article 4.1(b) of the Demonstration Regulations;
 - 8.4.2. The requirement for the Respondent to undergo a suitable education or training programme (at his own cost), in accordance with Article 4.1(c) of the Demonstration Regulations;
 - 8.4.3. Ineligibility to sit on the IPC Athletes' Council or any other relevant IPC body or committee for a period of four years, in accordance with Article 4.1(g) of the

¹ See news article at [Paralympian races down slope and plants bare bottom in snow - Daily Star](#)



Demonstration Regulations. Following those four years the Respondent's eligibility will be subject to providing evidence that he has completed the educational training programme.

8.4.4. Exclusion from future editions of the Paralympic Games until the Respondent provides evidence that he has completed the educational training programme, in accordance with Article 4.1(n) of the Demonstration Regulations.

8.5. The Hearing Panel also noted that:

8.5.1. The CPSF should be reminded of their responsibility to educate their athletes and to ensure they comply with the Complainant's Demonstration Regulations.

8.5.2. The CPSF should be reminded of the Code of Conduct for Coaches and Team Officials as outlined in the IPC Code of Ethics section 7.3, stipulating their obligation 'to report any irregularity or potential breach of the IPC rules and regulations' (including the Demonstration Regulations) to the responsible IPC Officials, and enforcement of the Demonstration Regulations.

8.6. The Hearing Panel recommended the IPC to clearly reflect the points made at 8.5.1 and 8.5.2 in the next review of the Demonstration Regulations Violations and to highlight the responsibilities and obligations of National Paralympic Committees or National Federations.

8.7. The Decision of the Hearing Panel will be made publically available on the website of the Complainant pursuant to Clause 2.1 of the Ethics Regulations.

A handwritten signature in black ink, appearing to read 'Mark J Copeland', is positioned above the printed name and title.

Mark J Copeland
IPC Legal and Ethics Committee Chairperson